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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Botswana, Colombia,* Costa Rica, Croatia,* Czech Republic, Denmark,* Estonia, Finland,* Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives, Netherlands,* Norway,* Panama,* Poland,* Republic of Moldova,* Slovakia,* Spain,* Sweden,* Switzerland,* Tunisia,* Turkey,* United States of America: draft resolution

25/... The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and relevant regional human rights instruments,

Reaffirming further that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010, 21/16 of 27 September 2012 and 24/5 of 26 September 2013, on the rights to freedom of peaceful assembly and of association, and 19/35 of 23 March 2012 and 22/10 of 21 March 2013, on the promotion and protection of human rights in the context of peaceful protests,

* Non-member State of the Human Rights Council.

Recalling also Human Rights Council resolutions 21/12 of 27 September 2012, on the safety of journalists, 24/8 of 26 September 2013, on equal political participation, 22/6 of 21 March 2013, on protecting human rights defenders, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and practice, a safe and enabling environment,

Recalling further the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, in accordance with States' obligations under applicable international human rights instruments, and subject to a competent, independent, impartial and prompt administrative or judicial review,

Acknowledging that peaceful protests can occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems, and to democratic processes, including elections and referendums,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Expressing its concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests,

Expressing its concern also at the increasing criminalization, in all parts of the world, of individuals and groups organizing or taking part in peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that acts of sporadic violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Recalling also the importance of adequate training for officials exercising law enforcement duties assigned to deal with public protests, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

1. *Takes note with appreciation* of the holding of the seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests on 2 December 2013 and of the summary of the seminar prepared by the United Nations High Commissioner for Human Rights,[1] in accordance with Human Rights Council resolution 22/10;

2. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

3. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that their domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

4. *Urges* States to facilitate peaceful protests by providing protestors with access to public space and protecting them, without discrimination, where necessary, against any form of threat and harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls on States to establish appropriate channels in that regard;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

[1] A/HRC/25/32 and Corr.1.

7. *Reaffirms* that States must take all necessary measures to ensure the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, expression and association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers covering peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Urges* all States to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

10. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force and are effectively implemented by officials exercising law enforcement duties, in particular applicable principles of law enforcement, such as the principles of necessity and proportionality, bearing in mind that lethal force may only be used to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

11. *Affirms* that nothing can ever justify "shoot to kill" practices as well as indiscriminate use of lethal force against a crowd, acts which are unlawful under international human rights law;

12. *Calls upon* States to investigate any death or significant injury committed during protests, including those resulting from the discharge of firearms or the use of non-lethal weapons by officials exercising law enforcement duties;

13. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of a State, including in international human rights law and, where appropriate, international humanitarian law;

14. *Encourages* States to make protective equipment and non-lethal weapons available to their officials exercising law enforcement duties, while pursuing international efforts to regulate and establish protocols for the training and use of non-lethal weapons;

15. *Underlines* the importance of thorough, independent and scientific testing of non-lethal weapons prior to deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

16. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such protests in a manner that conforms to their international human rights obligations and commitments;

17. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent loss of life of, and injuries to, protestors, bystanders, those monitoring such protests, and officials exercising law enforcement duties, as well as any human rights violation or abuse;

18. *Recognizes* the important role played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, and other relevant stakeholders in documenting human rights violations or abuses committed in the context of peaceful protests;

19. *Urges* States to ensure that national mechanisms, based on law in conformity with their international human rights obligations and commitments, can deliver accountability for human rights violations and abuses, and provide victims with access to a remedy and redress, including in the context of peaceful protests;

20. *Requests* the High Commissioner to prepare, from within existing resources, guidelines for facilitating and protecting peaceful protests based on good practices, with a view to assisting States in promoting and protecting human rights in the context of peaceful protests, in collaboration with the Special Rapporteur on the rights to peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant special procedures, and in consultation with States and other relevant stakeholders, and to present those guidelines to the Human Rights Council at its thirty-first session;

21. *Decides* to continue its consideration of this topic at its thirty-first session under agenda item 3.